

## CONSIDERATION OF SENATE BILL 14 1/25/2011

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| 164:17            | <b>50th</b>        | 390:17             | 178:14            |                   |
| 167:12            | 498:20             | <b>61-year-old</b> | 184:20            | <b>8</b> 90:2     |
| 187:13            | 499:14             | 62:24              | 199:12            | 90:20             |
| 228:4             | 506:15             | <b>62</b> 250:15   | 199:14            | 91:5, 91:8        |
| 228:16            | <b>533</b> 246:23  | <b>622</b> 514:23  | 199:16            | 106:6             |
| 228:17            | <b>542</b> 20:25   | <b>63.001</b>      | 199:17            | 229:10            |
| 228:25            | <b>55</b> 31:24    | 106:25             | 200:1             | 229:19            |
| 232:3             | 421:16             | <b>63.001(b)</b>   | 200:2             | 268:17            |
| 232:5             | <b>56</b> 282:20   | 106:10             | 200:7             | 268:20            |
| 240:16            | <b>56-year</b>     | <b>64</b> 180:4    | 200:14            | 307:16            |
| 257:7             | 62:18              | <b>65</b> 139:10   | 200:14            | 335:6             |
| 315:19            | <b>56-year-old</b> | 141:1              | 200:15            | 335:8             |
| 315:23            | 63:7               | 141:1              | 209:14            | 443:12            |
| 319:6             | <b>58</b> 138:23   | 141:4              | 209:15            | 443:19            |
| 320:17            | <b>59</b> 138:20   | 141:6              | 251:19            | 444:19            |
| 320:24            |                    | 141:25             | 257:10            | 531:20            |
| 335:6             | <b>6</b>           | 143:7              | 257:11            | <b>8,000</b>      |
| 335:8             |                    | 251:3              | 257:16            | 113:3             |
| 382:18            | <b>6</b> 79:22     | 255:18             | 258:18            | <b>8:05</b> 20:17 |
| 404:21            | 80:8               | 382:18             | 323:16            | 21:3              |
| 440:9             | 81:21              | 524:15             | 359:1             | <b>80</b> 72:3    |
| 441:6             | 82:15              | <b>650,000</b>     | 368:20            | 140:3             |
| 441:11            | 99:24              | 197:3              | 466:21            | 142:3             |
| 448:9             | 206:13             | <b>67</b> 54:1     | 467:1             | 142:6             |
| 449:4             | 206:20             | <b>690,887</b>     | 467:6             | 142:8             |
| 449:12            | 206:21             | 445:17             | 517:11            | 142:17            |
| 449:16            | 226:6              |                    | 524:2             | 143:10            |
| 454:15            | 226:11             | <b>7</b>           | <b>70,000</b>     | 173:20            |
| 523:2             | 266:18             |                    | 69:25             | 341:13            |
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| <b>5.9</b> 79:20  | 473:9              | 257:6              | 412:5             | 279:18            |
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| 80:5              | 138:20             | 268:1              | 516:11            | <b>81</b> 83:13   |
| 80:25             | 141:7              | 440:10             | <b>750,000</b>    | <b>8140</b>       |
| 81:21             | 141:9              | 449:12             | 382:3             | 541:21            |
| 473:8             | 184:20             | 454:15             | <b>77</b> 377:3   | 542:7             |
| 473:19            | 516:10             | 464:11             | 378:3             | 542:17            |
| 473:22            | 524:15             | <b>7(c)</b> 464:12 | 409:8             | <b>81st</b> 31:9  |
| 474:5             | <b>600</b> 402:25  | <b>7.25</b> 181:6  | 410:11            | 31:23             |
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| 163:7              | 194:25            |  |  |  |
| 165:3              | 498:4             |  |  |  |
| 173:19             | <b>90s</b> 277:25 |  |  |  |
| 173:22             | 279:18            |  |  |  |
| 820 320:1          | 282:22            |  |  |  |
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| 173:17             | 168:18            |  |  |  |
| 173:20             | <b>92</b> 173:11  |  |  |  |
| 84 73:2            | <b>94</b> 461:14  |  |  |  |
| 85 173:18          | <b>95</b> 461:14  |  |  |  |
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| 86 27:16           | 86:8              |  |  |  |
| 162:25             | <b>98,184</b>     |  |  |  |
| 514:18             | 86:23             |  |  |  |
| <b>86-year-old</b> |                   |  |  |  |
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| 62:18              |                   |  |  |  |
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| <b>905,859</b>     |                   |  |  |  |

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TRANSCRIPT OF PROCEEDINGS BEFORE  
THE SENATE OF THE STATE OF TEXAS  
EIGHTY-SECOND LEGISLATURE  
(COMMITTEE OF THE WHOLE SENATE)  
AUSTIN, TEXAS

IN RE: §  
§  
CONSIDERATION OF §  
SENATE BILL 14 §

COMMITTEE OF THE WHOLE SENATE  
TUESDAY, JANUARY 25, 2011

BE IT REMEMBERED THAT AT 8:05 a.m., on Tuesday, the 25th day of January 2011, the above-entitled matter continued at the Texas State Capitol, Senate Chamber, Austin, Texas, before the Committee of the Whole Senate. The following proceedings were reported by Aloma J. Kennedy, Lorrie A. Schnoor and Kim Pence, Certified Shorthand Reporters.

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## CONSIDERATION OF SENATE BILL 14 1/25/2011

## P R O C E E D I N G S

TUESDAY, JANUARY 25, 2011

(8:05 a.m.)

CHAIRMAN DUNCAN: The Committee of the Whole will come to order.

## OPENING INSTRUCTIONS BY CHAIRMAN DUNCAN

CHAIRMAN DUNCAN: Members, we talked yesterday a little bit about the process, and I thought I would go through that once again so that we'll all kind of know what the plan is.

First of all, I intend to recognize Senator Fraser in just a moment to lay out the specifics of Senate Bill 14. And then after he lays the bill out, then members will be recognized for questions of the author or co-authors. Then after that is finished, then our invited testimony will begin. It's the Chair's intent to place a 10-minute limit on invited testimony. And then there will be no questions to interrupt the invited testimony as they're laying out their positions or their testimony. Then once they're finished, members will be recognized for questions.

When that's done, we'll have a resource witness panel that will be available for you. I'm advised that we have David Maxwell, Deputy Director of Law Enforcement with the Office of the Attorney General;

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1 and Ann McGeehan, Director of Elections, the Secretary  
2 of State's office; and Rebecca Davio, Assistant Director  
3 for Driver's License with the Department of Public  
4 Safety.

5 When we have completed the invited  
6 testimony and you've had an opportunity to question  
7 those who have been invited, then I will -- I don't  
8 think the list is as long as it was last year, but  
9 certainly I'm sure there will be discussion among the  
10 members concerning their testimony.

11 Then we'll open up for public testimony.  
12 You will recall last session, we would announce the  
13 names of those who were in line, and you are in line in  
14 order of your registration at the front desk. We will  
15 have those persons escorted down to the well, and then  
16 they will be allowed to begin their testimony.

17 It's the intent of the Chair to impose a  
18 three-minute time limit on the public testimony as well,  
19 and I will not recognize anyone to interrupt someone  
20 giving public testimony until their time has run. There  
21 is a timer at the front at the secretary's desk. There  
22 will be a warning; I think it's a 30-second warning.

23 Members, we do have a court reporter,  
24 Ms. Kennedy.

25 Ms. Kennedy, would you stand so everyone

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1 can see you.

2 Remember Ms. Kennedy from last time. I  
3 think she went 12 or 13 hours.

4 Because we're making a record here,  
5 obviously we need to be mindful that the court reporter  
6 only has two hands and can only type one person at a  
7 time. So the Chair will be careful to help you remember  
8 that we cannot have people talking over each other.

9 Also we need to try to identify each other  
10 so that -- or identify yourself when you're speaking or  
11 I'll try to do that so that the record will be clear as  
12 to the source of the comments being recorded.

13 We will take periodic breaks in order to  
14 allow the court reporter a little time, but we will move  
15 expeditiously as we move through the process.

16 There is a document -- like last session,  
17 we will have an orderly process for admitting documents  
18 into the record. They will be labeled as exhibits and  
19 be referred to in the record and will be received in the  
20 record by exhibit number. So when you have an exhibit  
21 that you want to introduce into the record, well, then,  
22 you'll need to have it marked. And the secretary's desk  
23 up here will have a procedure for marking your exhibits  
24 and receiving them in the record.

25 Once we have completed the public

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1 testimony -- and, obviously, we're going to be  
2 interrupted by our Senate session which begins at 11:00.  
3 Once we finish the public testimony, then it will be  
4 appropriate for you to lay out any amendments that you  
5 may wish to have considered by the body.

6 And once that's completed, then,  
7 obviously, we will vote on our resolutions to rise and  
8 report back to the full Senate.

9 That is basically the layout of the  
10 procedure. Any questions?

11 Senator Van de Putte.

12 SEN. VAN de PUTTE: Thank you,  
13 Mr. Chairman. Thank you for outlining the process and  
14 the procedures that we will be using today. My question  
15 is specifically with those members of the public who  
16 wish to offer testimony sometimes today who have  
17 disabilities. To my knowledge, we have people coming to  
18 the floor who are in wheelchairs and will not be able to  
19 use the podium. I wanted to ask what sort of amenities  
20 or accommodations we will have so that they will be able  
21 to have that, but some sort of a table so they can refer  
22 to their documents when they're testifying.

23 CHAIRMAN DUNCAN: Thank you, Senator Van  
24 de Putte, an excellent question.

25 We do have a wireless mic that will be

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1 available for those who cannot access the mic -- at the  
2 secretary's desk.

3 SEN. VAN de PUTTE: Would it be possible  
4 for those members of the public who are offering  
5 testimony who have disabilities who are in a wheelchair  
6 to have some sort of -- either a table or something so  
7 that they can refer to their notes? The problem with  
8 last time is that they weren't able to actually, because  
9 they don't have use of the podium.

10 CHAIRMAN DUNCAN: Senator, we can  
11 accommodate that.

12 SEN. VAN de PUTTE: Thank you very much,  
13 Mr. Chairman.

14 CHAIRMAN DUNCAN: Members, also I forgot  
15 to mention, the resolution that we passed yesterday  
16 allows us to have a staff person on the floor to assist  
17 us. And so if you wish to have that person sit, well,  
18 then, you'll need to ask the sergeant for a chair, and  
19 we have chairs available back there.

20 Any other questions?

21 All right. The Chair hears none.

22 Senator Fraser, you're recognized to  
23 explain Senate Bill 14.

24  
25

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 LAYING OUT OF SENATE BILL 14

2 SEN. FRASER: Thank you, members.

3 Obviously, this is an issue that we know a lot about, we  
4 had a lot of experience with two years ago. The issue I  
5 think has been defined and talked about a lot.

6 I think we all recognize the dangers of  
7 voter fraud has threatened the integrity of the  
8 electoral process for the entire history of the United  
9 States. The threat continues today. In 2005, there was  
10 a Commission, a bipartisan commission, the Carter-Baker  
11 Commission, that was appointed by the Election  
12 Commission. Of course, President Carter, a past  
13 president; James Baker, Secretary of State, they  
14 reaffirmed the dangers by saying, "Elections are at the  
15 heart of democracy. Americans are losing confidence in  
16 the fairness of elections. And while we do not face a  
17 crisis today, we need to address the problem of our  
18 electoral system."

19 The Commission concluded at the end of the  
20 day, "There is considerable national evidence of  
21 in-person voter fraud. And regardless of whether one  
22 believes that voter impersonation is widespread or  
23 relatively rare, there can be no serious dispute that  
24 the real effect can be substantial because in a close  
25 election, even a small amount of fraud could make the

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1 margin of difference."

2 Texas today has a legitimate interest in  
3 protecting elections. It is imperative that we protect  
4 the public's confidence in elections by deterring and  
5 detecting voter fraud.

6 In upholding the Indiana photo ID law, the  
7 U.S. Supreme Court stated, "Confidence in the integrity  
8 of our electoral process is essential to the functioning  
9 of our participatory democracy. Voter fraud drives  
10 honest citizens out of the democratic process and breeds  
11 distrust of our government. Voters who fear the  
12 legitimate votes will be outweighed by fraudulent ones,  
13 will feel disenfranchised."

14 On October 10, Lighthouse poll, which I  
15 have here and be entering into the record -- it's the  
16 newest poll that is out -- shows that 86 percent of  
17 Texas voters -- that's both Republican and Democrats --  
18 favor voter photo ID laws.

19 The bill that we're laying out today is in  
20 compliance with the U.S. Supreme Court Decision which  
21 upheld the Indiana voter ID legislation because it,  
22 No. 1, deters and detects fraud; 2, it protects the  
23 confidence in elections; and, 3, it counts only eligible  
24 voters' votes.

25 It also complies with the Supreme Court

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1 decision, because it offset burdens on voters by  
2 providing access to free ID cards, allowing for  
3 provisional ballots and absentee ballots, ensuring that  
4 obtaining photo ID is no more inconvenient or burdensome  
5 than the usual act of voting and providing an exception  
6 for elderly voters.

7           The current law, as you know, provides  
8 that when a voter shows up to vote, he or she must just  
9 show a valid voter registration card. If unable to do  
10 so, the voter may show a photo ID card or other official  
11 mail from a government entity -- utility bill, bank  
12 statement, government check, paycheck or other  
13 government document with name and address -- and sign an  
14 affidavit.

15           Senate Bill 14, what we're doing with this  
16 bill, Senate Bill 14 would require a voter to show a  
17 photo ID except that people 70 or older on January 1,  
18 2012, may continue to vote with just a registration  
19 card, under current law.

20           Acceptable ID will include an unexpired  
21 card issued by the Department of Public Safety, a  
22 military ID, a passport or a citizenship certificate  
23 with photo. Voters who cannot produce an acceptable  
24 form of photo identification will be allowed to cast a  
25 provisional ballot. That ballot will be counted if the

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1 voter returns within six days to show a photo ID.

2 It would also provide for statewide  
3 training and notification of the changes required for  
4 the individual to vote with the photo ID. It would  
5 provide for a free DPS-issued identification card to any  
6 registered voter who requests an identification card.

7 Every fraudulent vote effectively still is  
8 a legitimate vote. Elections are too important to leave  
9 unprotected when the Legislature could take proactive  
10 steps to prevent fraud and protect our democracy.

11 Mr. President, that is what Senate Bill 14  
12 does. And if there's no questions, I would move  
13 passage.

14 SEN. WHITMIRE: Mr. President --

15 SEN. VAN de PUTTE: Yes.

16 SEN. WHITMIRE: -- could we slow down?  
17 Will the gentleman yield?

18 CHAIRMAN DUNCAN: I think Senator Van de  
19 Putte was first on the list, Senator.

20 Senator Van de Putte.

21 SEN. VAN de PUTTE: Thank you,  
22 Mr. Chairman, I think. Mr, Chairman, inquiry. At what  
23 point in the proceedings today would a motion be in  
24 order to move that all of the testimony and record from  
25 this issue from the 2009 legislative session be made

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 into the record? Would that be done -- would that  
2 motion be proper at the point of original testimony or  
3 at the beginning of these questions at this point?

4 CHAIRMAN DUNCAN: Senator, at any time  
5 that one would want to make that motion, it would be  
6 recognized.

7 SEN. VAN de PUTTE: Mr. Chairman, would  
8 you recognize me for that motion at this time?

9 SEN. FRASER: Mr. Chairman --

10 CHAIRMAN DUNCAN: Before we do that, we do  
11 have a motion in writing that Sen. Huffman intends to  
12 introduce with the record, so why don't we do that first  
13 and then we'll do everything else. And it would be my  
14 suggestion to -- and what I had hoped to do was finish  
15 the testimony or at least the question and answers on  
16 the bill and then start at that point in time putting  
17 evidence into the record. So if that's suitable with  
18 everyone, it just makes a little more sense to me to  
19 keep it in order that way.

20 SEN. VAN de PUTTE: Thank you,  
21 Mr. Chairman.

22 And then I would like to ask my colleague,  
23 the author of the bill, to yield.

24 CHAIRMAN DUNCAN: Okay.

25 SEN. FRASER: Mr. Chairman, before we --

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1 CHAIRMAN DUNCAN: Senator Fraser, why  
2 don't we approach the chair; approach.

3 (Off-the-record discussion at bench)

4 CHAIRMAN DUNCAN: The Chairman recognizes  
5 Senator Huffman for motion in writing.

6 SEN. HUFFMAN: Thank you, Mr. Chairman.

7 At this time I move that the entire record  
8 and transcripts of the hearing related to Senate Bill  
9 362 heard by the Committee of the Whole during the 81st  
10 Legislative session be included in the record and would  
11 move that it marked as Exhibit No. 1.

12 Exhibit No. 1 includes all the invited,  
13 public and written testimony, in addition to all of the  
14 exhibits submitted by the members during the hearing on  
15 Senate Bill 362. The previous testimony and debate on  
16 Senate Bill 362 is relevant, because then and now the  
17 objective is to create legislation that protects the  
18 integrity and reliability of the electoral process.

19 It includes 870 pages of transcribed  
20 testimony. There were 13 invited witnesses plus two  
21 resource witnesses, 36 public witnesses and 29 written  
22 articles presented. So it includes all the exhibits as  
23 well, submitted by members during the 81st legislative  
24 session on the Committee of the Whole, which totals 55  
25 total exhibits.

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1 At this time I move for introduction of  
2 Exhibit No. 1 into the Committee of the Whole's records.

3 (Exhibit No. 1 marked)

4 CHAIRMAN DUNCAN: Members, you've heard  
5 the motion. Is there any objection to the motion?

6 SEN. DAVIS: Question.

7 CHAIRMAN DUNCAN: Senator Davis, do you  
8 have a question?

9 SEN. DAVIS: Yes.

10 Senator Huffman, during the debate on the  
11 Senate floor last session, a number of questions could  
12 not be answered by some of the resource witnesses at the  
13 moment that they were asked; and, instead, there was a  
14 follow-up. For example, the Secretary of State's office  
15 and the Attorney General's office wrote follow-up  
16 answers to some of the questions that they were not  
17 prepared to ask during the hearing. Does your motion in  
18 writing include the inclusion of those written responses  
19 that were provided to the Senate after the hearing took  
20 place?

21 SEN. HUFFMAN: I am not advised on that,  
22 but I would certainly have no objection and would move  
23 for all of that to be included in the record, because I  
24 think it would certainly make it, you know, more  
25 complete and certainly would be relevant.

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1 The record has been certified by Patsy  
2 Spaw, the Secretary of the Senate, and so we might check  
3 with her to see if that was done. If not, we could  
4 certainly make sure that it was placed in Exhibit No. 1  
5 as part of the record.

6 SEN. DAVIS: Thank you. I would  
7 appreciate that.

8 CHAIRMAN DUNCAN: I suggest that it be  
9 Exhibit 1A, if there are additional information, so that  
10 it can be kept separate from what you are going to  
11 introduce in your motion in writing as Exhibit 1.

12 SEN. HUFFMAN: Yes, sir.

13 CHAIRMAN DUNCAN: Okay. Is there any  
14 objection to Exhibit 1 being included in the record?

15 All right. The Chair hears none. Exhibit  
16 1 will be included in the record.

17 (Exhibit No. 1 admitted)

18 CHAIRMAN DUNCAN: All right. Sen. Van de  
19 Putte.

20 SEN. VAN de PUTTE: Thank you,  
21 Mr. Chairman.

22 QUESTIONS FROM SENATE FLOOR

23 SEN. VAN de PUTTE: Would the gentleman  
24 yield, the author of the bill yield?

25 SEN. FRASER: I would yield.

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1 SEN. VAN de PUTTE: Thank you. Thank you,  
2 Mr. Chairman.

3 And thank you, Senator Fraser.

4 Senator Fraser, this is kind of like a  
5 dance where we have another song, another round, and so  
6 we find ourselves with another year and this version of  
7 the voter identification bill. And I wanted to ask you  
8 a few questions.

9 Given the fact that the bill that was  
10 debated during the 81st Legislature was a different  
11 bill, can you tell me the model for the bill that was in  
12 the 81st Legislature and the differences in what you  
13 have proposed in this legislative session?

14 SEN. FRASER: Well, if you don't mind, the  
15 bill before us today is Senate Bill 14, and I will  
16 probably spend my time talking about that bill. The  
17 bill you're addressing, obviously, didn't get through  
18 the process. So I'm going to be addressing the comments  
19 on Senate Bill 14 which is before us. So I would be  
20 glad to describe it, if you would like.

21 SEN. VAN de PUTTE: Well, my question has  
22 to deal with -- I understand that since last we met,  
23 there are two years and different court cases. And the  
24 bill that was before this body last legislative session  
25 was modeled on a Georgia law and used the template. And

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## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 I understand it, this year's model is fashioned after  
2 the Indiana law?

3 SEN. FRASER: And I think you actually  
4 have made the point that I was going to make. Two years  
5 have passed. Since that time, we've had, you know,  
6 obviously, the confirmation by the Supreme Court on the  
7 photo ID and then also the preclearance of the Georgia  
8 bill by Dale Jays (phonetic).

9 So looking at, you know, the experience of  
10 the bill in place, the simplicity of the photo ID, we  
11 chose to go with that. And as you will remember, the  
12 recommendation by President Carter and Secretary of  
13 State Baker was, you know, the national photo ID, and  
14 that's what we're attempting to implement.

15 SEN. VAN de PUTTE: Thank you.  
16 Mr. Chairman.

17 And a few other questions. With the  
18 Carter-Baker Commission, they felt very strongly about  
19 encouraging the maximum participation in voter and  
20 suggested the type of strategies that we're using. But  
21 the addendum for both gentlemen and the members of the  
22 commission were that they, as I recall, and entered into  
23 the record during last legislative session, was that the  
24 conclusion of the commission was that we should not  
25 implement the type of photo identification until you had

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1 universal registration, and I believe that was one. But  
2 given that or not, what I really wanted to ask you is --

3 SEN. FRASER: Hold on a second. I'm  
4 sorry. I disagree with that. That is not what the  
5 commission said. And if you would like to correct that,  
6 but I disagree.

7 SEN. VAN de PUTTE: The State of Georgia  
8 is under two sections of the Voting Rights Act, as is  
9 Texas. Is that correct?

10 SEN. FRASER: They are a Section 5 voting  
11 rights state like Texas.

12 SEN. VAN de PUTTE: And to your knowledge,  
13 is the State of Indiana subject to Section 5 of the  
14 Voting Rights Act?

15 SEN. FRASER: To my knowledge, they are  
16 not.

17 SEN. VAN de PUTTE: So Indiana would have  
18 a different burden of proof under a legal document and a  
19 legal challenge than the State of Georgia?

20 (Brief pause)

21 SEN. FRASER: I'm sorry. I was asking for  
22 some data. Would you reask the question, please.

23 SEN. VAN de PUTTE: The State of Indiana,  
24 which your bill is modeled after, without two alternate  
25 forms of identification; whereas, the Georgia bill that

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1 we talked about last legislative session had two --  
2 certainly had a photo identification, but if the voter  
3 was unable to produce a photo identification, they could  
4 produce for the election judges two forms of  
5 identification without, and it was utility bill and --  
6 in fact, the things that you struck here.

7 But in Indiana that requirement is not  
8 there, so we went with the Indiana bill. But my  
9 question is, Indiana is not subject to Section 5 of the  
10 Voting Rights Act. So their legal hurdle to the  
11 Department of Justice challenge is very different than  
12 what happened in the State of Georgia. Is that correct?

13 SEN. FRASER: The Indiana law has been  
14 approved by the U.S. Supreme Court, the Georgia law was  
15 precleared by the Department of Justice, and both of  
16 those have gone through that challenge.

17 SEN. VAN de PUTTE: Senator Fraser, when  
18 this legislature passes the voter identification bill --  
19 and there is no doubt that this bill will pass -- it  
20 will have to proceed to the Department of Justice for  
21 clearance?

22 SEN. FRASER: As a Section 5 state, we are  
23 subject to Section 5 rules.

24 SEN. VAN de PUTTE: So, yes, it will  
25 proceed to the Department of Justice?

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1 SEN. FRASER: We are a Section 5 voter  
2 rights state, and we will be subject to those laws.

3 SEN. VAN de PUTTE: And do you have any  
4 concerns that a Section 5 state as Texas would offer to  
5 the Department of Justice a voter identification bill  
6 that mirrors a non-Section 5 state rather than something  
7 that has already been upheld in the Georgia law, a  
8 Section 5 state?

9 SEN. FRASER: We are offering a bill that  
10 has been approved by the U.S. Supreme Court. And the  
11 parameters that the Supreme Court set, we meet all of  
12 those tests.

13 SEN. VAN de PUTTE: However, in the  
14 Indiana court and in the Supreme Court case on Indiana,  
15 what they said was, the undue burden was -- did not be  
16 demonstrative because they did not have the level of  
17 minority voters, that was never a check point, because  
18 they did not have to go through the Department of  
19 Justice. Is that correct?

20 SEN. FRASER: I'm sorry. I'm having  
21 equipment failure here. Just a second.

22 (Brief pause)

23 SEN. FRASER: Senator, I'm sorry. I'm  
24 asking for data, backup data, because the information  
25 that you're addressing, my information doesn't agree

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1 with that, is that the Georgia law that I have in front  
2 of me said it is a photo ID. Do you have something that  
3 shows differently?

4 SEN. VAN de PUTTE: Yes. In the Georgia  
5 bill, you have to have a photo ID. However --

6 SEN. FRASER: I realize you're saying  
7 that, but do you have -- you know, do you --

8 SEN. VAN de PUTTE: The bill that you  
9 introduced last year had the two alternate forms of ID,  
10 which was exactly the Georgia bill. We used the model  
11 of the Georgia bill.

12 SEN. FRASER: And that bill is not before  
13 us today; Senate Bill 14 is before us.

14 SEN. VAN de PUTTE: That's correct. And  
15 so my question is --

16 SEN. FRASER: And I would ask you, did you  
17 vote for that bill last year?

18 SEN. VAN de PUTTE: No, sir, I didn't.

19 SEN. FRASER: Okay.

20 SEN. VAN de PUTTE: But my question is, do  
21 you have any concerns that we will offer to the  
22 Department of Justice a bill, a voter identification  
23 bill that is modeled after a state law that does not  
24 have to go through Section 5, rather than a Georgia  
25 model which already has been proven and has been

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1 affirmed, both in the court case and the Department of  
2 Justice? That was my question. Do you have any concern  
3 that we will have done all of this debate and work, and  
4 certainly to ensure the ballot security, only to be shut  
5 down at the Department of Justice, because we are a  
6 Section 5 state and what we're offering in your bill is  
7 not something that has been approved by the Department  
8 of Justice?

9 SEN. FRASER: I have no concern about  
10 Senate Bill 14, both going before the U.S. Supreme Court  
11 or going before the Department of Justice.

12 SEN. VAN de PUTTE: Thank you, Senator  
13 Fraser. I wanted to ask a little bit of your thinking.  
14 And in the bill that you have before us, the student  
15 identifications were omitted from your list of  
16 acceptable documentation. And could you give me the  
17 rationale why a student photo identification is not  
18 acceptable form of identification?

19 SEN. FRASER: The types of identification  
20 we've included are one from a government entity that  
21 would identify that person as who they are, that they  
22 say they are, they're a valid voter and a citizen of the  
23 United States, and these are the ones that we have  
24 suggested that would be acceptable.

25 SEN. VAN de PUTTE: So the rationale for

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1 not having student identification cards on the list,  
2 since you omitted them, is because they aren't issued by  
3 a governmental entity?

4 SEN. FRASER: I didn't say that.

5 SEN. VAN de PUTTE: I'm sorry. Can you  
6 repeat your answer.

7 SEN. FRASER: I said I did not say that.

8 SEN. VAN de PUTTE: So why were the  
9 student identifications -- you explained that the  
10 student identifications were omitted from the list of  
11 acceptable documentation, because it was not a  
12 government entity.

13 SEN. FRASER: The four types of  
14 identification that we are offering up we believe are  
15 less confusing, they're simpler for both voters and  
16 election voters. Everyone knows what they look like.  
17 There is a standardization of those, and they all look  
18 alike and it would be less confusing for the systems who  
19 are accepting the voter IT.

20 SEN. VAN de PUTTE: And, Senator Fraser,  
21 one of the provisions in your bill also omits birth  
22 certificates from the list of acceptable forms of  
23 identification, even though that does come from  
24 government entities. And so why is it that birth  
25 certificates were omitted?

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1 SEN. FRASER: This is requiring a photo  
2 ID, current photo ID.

3 SEN. VAN de PUTTE: Senator Fraser, are  
4 there any provisions in the bill to accommodate a voter  
5 that has a different address on their photo  
6 identification and their voter registration card?

7 SEN. FRASER: The Secretary of State is  
8 here as a resource witness, and I'm sure they will be  
9 glad to answer that.

10 SEN. VAN de PUTTE: No, I'm not asking the  
11 difference. I'm asking, is there any provision in  
12 Senate Bill 14?

13 SEN. FRASER: It is not addressed, because  
14 that is taken care of by the Secretary of State, that we  
15 don't address that in the bill. That would be by an  
16 interpretation of rule of the Secretary of State. They  
17 will be here, and you can ask them that question.

18 SEN. VAN de PUTTE: So also you would  
19 prefer that we ask the Secretary of State what sort of  
20 provision, since your bill is silent on different last  
21 names?

22 SEN. FRASER: Again, that's a question  
23 that --

24 SEN. VAN de PUTTE: So, for example, women  
25 that got married?

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1                   SEN. FRASER: We've actually got two  
2 different -- you know, kind of an overlap here. We've  
3 got the Department of Public Safety that I believe  
4 Senator Williams is going to be answering questions,  
5 because that's his area. And then we also have the  
6 Secretary of State available as a resource that I think  
7 you can ask that question.

8                   SEN. VAN de PUTTE: Senator Fraser, under  
9 Senate Bill 14, your voters can cast a provisional  
10 ballot. Under the Indiana bill, that is set at a 10-day  
11 cure. Why is it that you chose a six-day cure?

12                  SEN. FRASER: And you'll remember, the  
13 Georgia law is only 48 hours, two days. They went 10  
14 days; the Georgia law went two days. We decided that  
15 six days should be sufficient to come back.

16                  SEN. VAN de PUTTE: And as I understand  
17 it, the Georgia law does have a 48, but they can use two  
18 alternate forms of ID which are not in your bill. So  
19 what sort of --

20                  SEN. FRASER: I'm sorry. You know, you  
21 keep saying that. You need to pull up the data to show  
22 me that, please.

23                  SEN. VAN de PUTTE: So to prove their  
24 provisional ballot is correct and the six-day cure, what  
25 documentation does your bill have that is acceptable?

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1 SEN. FRASER: Photo ID.

2 SEN. VAN de PUTTE: So only a photo  
3 identification. So they would have to --

4 SEN. FRASER: The acceptable photo IDs  
5 that are outlined in the bill would be an acceptable  
6 form, yes.

7 SEN. VAN de PUTTE: Senator Fraser, do you  
8 know right now in the State of Texas, we're able to cast  
9 provisional ballots? That's correct, isn't it?

10 SEN. FRASER: I'm sorry. Ask that again.

11 SEN. VAN de PUTTE: Current election law  
12 allows Texas voters to cast a provisional ballot. Is  
13 that correct?

14 SEN. FRASER: I'm sorry. That is another  
15 question I think you should ask the Secretary of State.  
16 It is my belief that, but I'm sorry, I don't want to  
17 answer that. You can, if you don't mind, ask the  
18 Secretary of State.

19 SEN. VAN de PUTTE: Thank you, Senator.  
20 Since it's based on Indiana law, do you believe that the  
21 State of Texas has a greater minority population than  
22 the State of Indiana?

23 SEN. FRASER: I'm not advised.

24 SEN. VAN de PUTTE: To your knowledge,  
25 have any studies been done to determine if there has

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1 been, under current Texas voter laws, any impact that it  
2 would have on affected class of Latino and  
3 African-American voters?

4 SEN. FRASER: The bill that I'm laying out  
5 today is a model that has been approved by the U.S.  
6 Supreme Court, it has been precleared by the Department  
7 of Justice in Georgia. It will deter fraud. We're  
8 providing free access of cards. And, yes, we believe  
9 this will protect confidence in election in making sure  
10 only eligible voters are counted.

11 SEN. VAN de PUTTE: Senator Fraser, on the  
12 availability of free identification cards, is there a  
13 means test, or what sort of proof do citizens have to  
14 give to the Department of Public Safety to be able to  
15 get a free identification card under your bill?

16 SEN. FRASER: The Department of Public  
17 Safety is here as a resources witness. Senator Williams  
18 is also here. That's his area of expertise. If you  
19 have a question about that, if you would like, I will  
20 yield to Senator Williams now or you can wait and ask  
21 the DPS when it comes up.

22 SEN. VAN de PUTTE: Well, right now the  
23 DPS I don't think gives free IDs. But in your bill,  
24 what sort of process or documentation can voters use to  
25 get a free identification card, in your bill? What are

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1 the --

2 SEN. FRASER: If you would like I can  
3 yield to Senator Williams or we can wait and have the  
4 DPS. Our instruction is the bill, is that they will  
5 issue an ID card and they will not charge. That is very  
6 clear to the DPS. And if you want to ask how that will  
7 be done, they will be coming up, and you will be able to  
8 ask that question. Or if you would like for me to yield  
9 to Senator Williams, we'll let him answer that.

10 SEN. VAN de PUTTE: No, Senator. Thank  
11 you. I appreciate this is just a different bill from  
12 last legislative session, and I was trying to get at  
13 least some of your thinking of why you went with a  
14 different bill than last year, a more restrictive, a far  
15 more restrictive bill than what we debated last  
16 legislative session. And I look forward to the  
17 questions, I look forward to the testimony today, but I  
18 don't have any other further questions.

19 And I'm sure some of my colleagues have  
20 questions, both of the author of the bill and any of the  
21 other senators that have certain sections that they have  
22 got expertise on.

23 But thank you very much, Mr. Chairman. I  
24 don't have any other further questions.

25 CHAIRMAN DUNCAN: Senator Watson?

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1 SEN. WATSON: Thank you, Mr. Chair.

2 Will the senator yield for a couple of  
3 questions? Oh, I'm sorry.

4 SEN. FRASER: One second, please. Are you  
5 wanting me to yield?

6 SEN. WATSON: Yes --

7 SEN. FRASER: Hold on a second, please.

8 SEN. WATSON: -- if you don't mind.

9 (Brief pause)

10 (Senator Whitmire speaking without mic)

11 SEN. FRASER: Do you have the floor now?

12 (Senator Whitmire speaking without mic)

13 SEN. FRASER: No, you're asking questions  
14 over here.

15 (Senator Whitmire speaking without mic)

16 SEN. FRASER: Making sure I get the  
17 answers correct.

18 I will yield now.

19 SEN. WATSON: Thank you, Chairman Fraser.

20 I want, if you don't mind, to ask about  
21 the fiscal note for just a second. The fiscal note that  
22 was attached to your bill, Senate Bill 14, indicates  
23 that the fiscal implication to the state is anticipated  
24 to be \$2 million. Is that correct?

25 SEN. FRASER: Could you hold one second.

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1 SEN. WATSON: Sure.

2 SEN. FRASER: I need to pull the data  
3 here.

4 (Brief pause)

5 SEN. FRASER: Senator, I was just  
6 verifying. We spent a lot of time last night talking  
7 about this. I think you're aware that the HAVA funds  
8 that come from the federal government, which I believe  
9 are Help America Vote Institute, I guess it is, Help  
10 America Vote, the HAVA, there are funds that come to  
11 every state to the secretary of state. We have a fund  
12 that is setting in the Secretary of State's office that  
13 would be more than sufficient to handle this.

14 In other states like Indiana and Georgia,  
15 the HAVA funds have been used before. We have requested  
16 that those funds be available for this. They advised us  
17 back, until the passage of the bill, they can't approve  
18 the funds. But the assumption is that those funds are  
19 before the Secretary of State, and they will be here at  
20 some point. You can ask them about those funds, the  
21 parameters, but it is our belief that the HAVA funds  
22 will be available for this and would offset the fiscal  
23 note.

24 SEN. WATSON: I appreciate that answer.  
25 My question was, it's a \$2 million fiscal note. Right?

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1                   SEN. FRASER: Right now the fiscal note  
2 that was delivered is \$2 million, yes.

3                   SEN. WATSON: Okay. And that's what I  
4 really wanted to ask about. And I'll talk about the  
5 fact that y'all want to take some federal funds, here in  
6 a second. But first of all, last session when we were  
7 talking about the fiscal note, my memory was and is,  
8 that at the beginning of the session when you filed the  
9 bill last session, there was a zero fiscal note, and  
10 then that got changed to the same as it is right now, a  
11 \$2 million fiscal note for voter awareness, and it was  
12 exclusively for voter awareness in the second fiscal  
13 note.

14                   Can you tell me what analysis has gone  
15 into coming up with how much money should be spent on  
16 voter awareness and voter education regarding this bill,  
17 in order to get to that \$2 million?

18                   SEN. FRASER: I think the analysis on this  
19 comes from the Secretary of State's office, and I'm sure  
20 they will be glad to answer your question. Two years  
21 ago before we started, we advised them that we needed  
22 voter education. If you remember in the bill, we  
23 discussed in that when we were discussing that, that we  
24 needed to have an appropriation for that.

25                   I think Senator Ogden stood up and talked

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1 about the fact that they would be willing to make sure  
2 that there was money there. Since then, we have been  
3 made aware that the Secretary of State not only I think  
4 has a plan for doing that but also a plan for requesting  
5 the funds from HAVA.

6 SEN. WATSON: Well, I'll ask about that.  
7 So, then, let me ask you another question. You  
8 indicated in your opening comments that -- and I've read  
9 your legislation -- under this bill, everyone gets a  
10 free identification card if they come in and ask for a  
11 free identification card, they show a voter registration  
12 card and/or they apply for a registration card. That  
13 \$2 million that you've just talked about doesn't include  
14 the cost, any of the cost for providing these free  
15 identification cards, does it?

16 SEN. FRASER: I'm sorry. I was doing  
17 something else. Would you ask that last question again,  
18 please.

19 SEN. WATSON: Does the \$2 million in the  
20 fiscal note include any of the cost of providing free  
21 identification cards?

22 SEN. FRASER: To my knowledge, it does  
23 not.

24 SEN. WATSON: And, in fact, there is no  
25 means test and your bill forbids DPS from collecting a

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1 fee. If any eligible voter comes in or submits a  
2 registration application, they can then avoid what is  
3 the typical \$15 fee?

4 SEN. FRASER: Senator, have you seen the  
5 numbers that have been collected by DPS on the number of  
6 eligible voters that have registered since 2006, the  
7 ones that registered with a driver's license or a  
8 driver's license and a social security card that  
9 identified the number of people registering --

10 SEN. WATSON: Yes.

11 SEN. FRASER: -- that already had  
12 identification? So the question you're asking is, the  
13 universe we're talking about we believe is very, very,  
14 very small. In fact, the Carter Commission, after the  
15 implementation in both Indiana and Georgia, and actually  
16 Mississippi they looked at, they found that only 1.2  
17 percent of people did not have, already have a photo ID  
18 available, so the universe of this, so the  
19 question you're asking --

20 SEN. WATSON: Then why don't we talk about  
21 specific numbers. With you talking about those numbers,  
22 you're probably aware that in 2007, House Bill 218 was  
23 offered. It was referred to the committee, the Senate  
24 Committee on State Affairs. And in that one, which was  
25 HB 218, DPS talked specifically about identification

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1 cards and it put a fiscal note, it believed that it  
2 would be \$1.3 million per biennium or \$4 million every  
3 six years out of the highway fund. Were you familiar  
4 with that?

5 SEN. FRASER: Senator, you're getting into  
6 an area that's outside of my area of expertise. We have  
7 the person that's in charge of that. You've got two  
8 choices. Either you can ask that question of DPS as a  
9 resource when it comes up, or I will yield to Senator  
10 Williams right now and he can answer your question.

11 SEN. WATSON: Senator, if you would answer  
12 that question.

13 SEN. FRASER: I now yield to Senator  
14 Williams.

15 SEN. WILLIAMS: I just want to be sure  
16 I've got your question right.

17 SEN. WATSON: Sure. Since we're talking  
18 about numbers here -- and I'm trying to get a feel for  
19 what the cost of this is -- in House Bill 218 in the  
20 2007 -- the 80th legislative session, there was a bill  
21 filed that dealt with the provision of identification  
22 cards. And in that one, the LBB indicated the fiscal  
23 note would be \$1.3 million or \$4 million every year  
24 coming out of the highway fund. Are you familiar with  
25 that?

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1 SEN. WILLIAMS: I'm not familiar with  
2 House Bill 218. But, you know, I take what you're  
3 saying --

4 SEN. WATSON: Sure. Okay.

5 SEN. WILLIAMS: -- at value.

6 SEN. WATSON: And since I anticipate that  
7 there would be deferral to you on the next question,  
8 too, let me just go ahead and ask that. Last session,  
9 in the 81st session, there was a bill by -- it was HB  
10 2335 that indicated, similar to what Senate Bill 14 does  
11 not, that there couldn't be a fee charged for issuing a  
12 document that someone might use as proof of their  
13 identification for purposes of voting. In the fiscal  
14 note there, the LBB singled out DPS identification  
15 cards, which is what we're talking about here, and  
16 assumed that if everyone used those, the number they  
17 came up in that fiscal note was \$47 million over five  
18 years. Are you familiar with that one?

19 SEN. WILLIAMS: I'm not familiar with  
20 that --

21 SEN. WATSON: Okay.

22 SEN. WILLIAMS: -- particular bill. But  
23 what I can tell you is that the cost to the Department  
24 of Public Safety for issuing an ID card is about \$1.67.  
25 It's a very small amount of money. So \$47 million

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1 sounds -- that's a lot of IDs at a buck 67 apiece. And  
2 so what I would say is that when I discussed this with  
3 the Department of Public Safety recently -- and they'll  
4 be here to testify about this in detail more -- I think  
5 that it would be difficult for them to determine now how  
6 many people might take advantage of the free ID card. I  
7 think it's probably not possible for them to estimate  
8 that.

9 But the cost, I think we're all pretty  
10 comfortable that it would be fairly negligible. When  
11 you look at the universe of registered voters, which is  
12 somewhere around 13 million people, I think, and you've  
13 got about 15 million people that have either a driver's  
14 license -- and I can get you the exact numbers. I have  
15 them here -- there are a lot of people that already --

16 SEN. WATSON: Right.

17 SEN. WILLIAMS: -- have state ID cards.  
18 And a lot of the folks that don't have those would be  
19 using a mail-in ballot, and there is no requirement to  
20 present any kind of photo identification for a mail-in  
21 ballot, and this legislative doesn't touch that. So we  
22 think that the chances that there's going to be somebody  
23 who is going to want to avail themselves, there will be  
24 some, but it's going to be a very small number.

25 SEN. WATSON: Of course, what I'm

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1 attempting to do is not engage in that as I vote no  
2 this. What I've tried to go is go back and find out  
3 what the LBB, which we rely upon for fiscal notes, has  
4 actually said about these sorts of things, with previous  
5 legislation that has addressed this, as opposed to  
6 speculation.

7 SEN. WILLIAMS: And, Senator Watson, I  
8 understand, and there are a lot of things -- I'm not  
9 familiar with those bills. And what I would tell you is  
10 that each -- the LBB comes up with their methodology  
11 based on what each bill's requirements are. And not  
12 being familiar with that --

13 SEN. WATSON: Sure.

14 SEN. WILLIAMS: -- I can't tell you what  
15 the difference between that and this is. But we did  
16 specifically sit down and talk to DPS, and they really  
17 don't expect that this is going to be any big burden on  
18 the agency that they're not going to be able to handle.

19 SEN. WATSON: Thank you for your answer.

20 SEN. WILLIAMS: Yes.

21 SEN. WATSON: I have a couple more  
22 questions for Senator Fraser, if that would be all  
23 right.

24 SEN. FRASER: I'm back with you.

25 SEN. WATSON: Okay. Great! Thank you,

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1 Senator.

2           Would the HAVA money that -- first of all,  
3 you're familiar that in the base budget that the Senate  
4 has but out, the \$2 million for this biennium for voter  
5 education has been explicitly cut. You're familiar with  
6 that. Right?

7           SEN. FRASER: I don't think the word  
8 "explicitly cut," I don't think it's been addressed.

9           SEN. WATSON: Well, it's been struck  
10 through in the base budget. Did you know that?

11          SEN. FRASER: I'm not advised.

12          SEN. WATSON: Okay. Are you also familiar  
13 that in this budget it calls for a \$358 million cut to  
14 the DPS budget?

15          SEN. FRASER: Again, I'm not on Finance;  
16 I'm not sure you're on Finance. And so, no, I  
17 haven't -- the base bill is the starting point of  
18 discussion, so I'm not advised.

19          SEN. WATSON: All right. So you're not  
20 advised whether, out of that 9.5 percent of the cut  
21 comes in regulatory and the licensing area for DPS?

22          SEN. FRASER: Well, and as you know, as we  
23 start the session, that's a draft budget as a starting  
24 point. We're a long ways from that being concluded. So  
25 the answer is no, I'm not aware.

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1 SEN. WATSON: Thank you very much.

2 Thank you, Mr. Chairman.

3 SEN. ELTIFE: Senator Whitmire, what  
4 purpose do you rise?

5 SEN. WHITMIRE: Will the gentleman yield?

6 SEN. ELTIFE: Senator Fraser yield?

7 SEN. FRASER: Be glad to.

8 SEN. WHITMIRE: Senator Fraser, a couple  
9 of questions about the implementation of your  
10 legislation if it passes. First off, I have to make  
11 this observation: Have you ever seen the gallery so  
12 empty when the Legislature is considering something  
13 that's been given such a high billing as Senator Duncan  
14 was making yesterday when he asked us to go to Committee  
15 of the Whole? I mean, how timely this was and how  
16 critical it was? The Governor has made it an emergency,  
17 and I don't think I've -- I don't know if there's 20  
18 people in the gallery. If it's so important, can you  
19 explain to me why the gallery is empty --

20 SEN. FRASER: I am not advised.

21 SEN. WHITMIRE: -- based on --

22 SEN. FRASER: I'm concentrating on the  
23 action on the floor rather than looking up and seeing  
24 who is in the gallery.

25 SEN. WHITMIRE: Well, but it's an

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1 indication, if the public is really concerned,  
2 particularly based on your polling data, which I'm sure  
3 you would join with, we don't govern in the state by  
4 polls normally, do we?

5 SEN. FRASER: Well, other than I find it  
6 interesting, whenever they asked the people of your  
7 district that you represent --

8 SEN. WHITMIRE: Sure.

9 SEN. FRASER: -- of whether they're in  
10 favor, the polls continue to show that the public, both  
11 Republican and Democrat --

12 SEN. WHITMIRE: Well --

13 SEN. FRASER: -- you say, "Will you  
14 support a person voting with a photo ID?"

15 SEN. WHITMIRE: And did you include in  
16 that question and would you be for it if it would  
17 disenfranchise senior citizens, students or others? You  
18 and I know it's all in how you ask the question. In  
19 fact, the way you're stating it, I'm surprised you  
20 didn't get 100 percent. If you ask people, "Are you  
21 against vote fraud?" I would assume you would get  
22 100 percent.

23 SEN. FRASER: Here's the question --  
24 here's the question --

25 SEN. WHITMIRE: It's the unintended

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1 consequences that we're concerned about.

2 SEN. FRASER: "Do you favor or oppose  
3 requiring a photo ID before a person is allowed to  
4 vote?" Pretty straightforward.

5 SEN. WHITMIRE: I'm surprised you didn't  
6 get 100 percent if you include "and stop fraud." It's  
7 when you add into it, "if it meant disenfranchising  
8 senior citizens," and then I think you would have a  
9 significant drop.

10 The bottom line is, Senator Fraser, and  
11 we'll have -- and let's have this ballot: Would you  
12 concede that we're all, all 31 of us are against  
13 election fraud?

14 SEN. FRASER: I will not concede that  
15 until after the vote, and we're assuming the ones that  
16 vote for it are --

17 SEN. WHITMIRE: Well, let me go ahead and  
18 speak for the 12 of us that are probably going to vote  
19 "No." We're all against election fraud. And I would  
20 suggest we've actually seen an election process since we  
21 took this up two years ago. Let's look at the most  
22 recent election. What fraudulent activity this past  
23 November are you so concerned about? I think it's the  
24 election -- and maybe I should be more concerned.

25 If you look at the election results, it

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1 was an overwhelming victorious day for Republicans in  
2 November. You replaced 34 Democrats in the house. Now,  
3 are you suggesting there was significant fraud on that  
4 election day?

5 SEN. FRASER: Senator, all we're trying to  
6 do with this bill is that when you walk into the polling  
7 place and represent that you are John Whitmire --

8 SEN. WHITMIRE: Sure.

9 SEN. FRASER: -- that you can prove you  
10 are who you say you are before you vote, it's a very  
11 simple concept.

12 SEN. WHITMIRE: Except, Senator Fraser,  
13 the unintended consequences that you're going to  
14 disenfranchise people that have not been able to acquire  
15 these cards, and that's what I want to spend a few  
16 moments on. Walk me through a real life example of how  
17 a senior citizen in my district is going to acquire that  
18 card. Do they do it by mail? Do they have to do it in  
19 person? What's the process?

20 SEN. FRASER: Senior citizens over --

21 SEN. WHITMIRE: Give me a real life.  
22 Don't say, "We're going to provide it." Let's break  
23 down what an 86-year-old lady in my district, never been  
24 required to have one, how is she going to get her card?

25 SEN. FRASER: She would vote under current

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1 law because she's exempt.

2 SEN. WHITMIRE: You've given her an  
3 exemption. Does she have to prove, that day, her age?  
4 I mean, Troy --

5 SEN. FRASER: You can ask that question of  
6 the Secretary of State. But I'm assuming --

7 SEN. WHITMIRE: Well, you're the author.  
8 And let me just tell you, like I said, we're all against  
9 fraud. As elected officials, it's in our own personal  
10 self-interest to have honest elections with the highest  
11 integrity. We're doing it for the people that we  
12 represent as well. So that's not the issue, are we for  
13 or against fraud? It's the implementation, it's the  
14 disenfranchisement, Troy, that we're fighting for and  
15 what we've been fighting for, for the last couple of  
16 years. Tell me how we're going to address the  
17 unintended consequences of someone not being able to  
18 vote on election day, because I know you don't want  
19 that. And I --

20 SEN. FRASER: I was sent down here by the  
21 people of my district to represent their views. The  
22 polling of my district shows that it's almost 90 percent  
23 of the people in favor of it.

24 SEN. WHITMIRE: Okay.

25 SEN. FRASER: The district that you

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1 represent, I think if you poll in that district -- and I  
2 have used some polling that shows close to the same  
3 number -- that say that when they're asked, "Do you  
4 think you should have to show a photo ID?" and they say  
5 yes.

6 SEN. WHITMIRE: And my --

7 SEN. FRASER: So my answer is, we need to  
8 pass this, because the people in our district --

9 SEN. WHITMIRE: Well --

10 SEN. FRASER: -- believe that they should  
11 show a photo ID.

12 SEN. WHITMIRE: First of all, I don't  
13 govern by poll. And if I was at a town hall meeting and  
14 I walked through, after they've said they're for voter  
15 ID, then I start talking about the implementation of it,  
16 they start being just as concerned as I am. So I want  
17 to know how people are going to acquire these cards.  
18 Forget the 86-year-old. Let's go to a 56-year-old  
19 person. How do they acquire the card? Are you familiar  
20 in Houston it takes two to three hours to get a driver's  
21 license at the DPS office?

22 SEN. FRASER: John, I was about to ask  
23 you, you know, ask you your age, but I know your age.  
24 We're both 61. A 61-year-old person in our age group,  
25 is it going to be a real problem for you and I to drive

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1 down to the DPS to get --

2 SEN. WHITMIRE: Well, see, that's what's  
3 so sad about this discussion. You're not putting  
4 yourself in the shoes of someone who doesn't have the  
5 means that you and I have, they have to depend on  
6 someone else for transportation. They may not have any  
7 resources. How is a 56-year-old person in Houston,  
8 Texas, going to acquire this card --

9 SEN. FRASER: We are not changing --

10 SEN. WHITMIRE: -- no driver's license.

11 SEN. FRASER: We are not changing the  
12 mail-in ballot. And if someone has a reason that they  
13 need to vote by mail --

14 SEN. WHITMIRE: On a mail-in ballot, how  
15 do you prove -- that's early voting. How do you verify  
16 who you are in that instance?

17 SEN. FRASER: I'm sure the Secretary of  
18 State would be glad to answer that.

19 SEN. WHITMIRE: Okay. But that's not what  
20 we're talking about. We're talking about on election  
21 day, a person in Houston wants to vote, how do they  
22 acquire the voter ID, photo ID?

23 SEN. FRASER: The DPS and the Secretary of  
24 State will both be here, and I'm sure they will be glad  
25 to answer that question.

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1           SEN. WHITMIRE: Troy, you're proposing  
2 this. And before we go forward, I would like to know,  
3 do you have to go to the DPS office? Do you order it by  
4 mail? That's a critical concern of all of us that are  
5 voting "No" against this bill. And I don't --

6           SEN. FRASER: Senator, did --

7           SEN. WHITMIRE: -- think you want to  
8 disenfranchise anybody, but I'm afraid that there's  
9 unintended consequences that you have not envisioned.

10          SEN. FRASER: Did another senator advise  
11 you of what you had to do to go down to the DPS office  
12 to get your driver's license?

13          SEN. WHITMIRE: Well, we're not talking  
14 about me. We're fortunate; you and I are fortunate. We  
15 probably don't have to wait in lines. In Houston.  
16 Texas --

17          SEN. FRASER: There are 15 million drivers  
18 in Texas. Of the 31 Senate districts, I think that  
19 would mean there's about 500,000, I believe, in my  
20 district. And I don't think I've got a one of them that  
21 I instructed on how to go down and get a photo ID.

22          SEN. WHITMIRE: Okay. Well, let me just  
23 tell you about the DPS operations in Harris County. A  
24 working person cannot go by and get their license  
25 renewed on their lunch hour, before work or after work,

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1 because literally it's a two to three-hour wait. So how  
2 do you add this new group of participants that have to  
3 show up at a DPS office to get a voter ID.

4 SEN. FRASER: We have someone coming from  
5 the DPS. I think you can ask that question or  
6 I'll yield to Senator Williams.

7 SEN. WHITMIRE: I'm not sure if they're --  
8 I think you as the sponsor ought to explain that.

9 SEN. FRASER: The bill that I'm laying out  
10 is very clear, that it complies with the Supreme Court  
11 ramification and it also has been cleared by the  
12 Department of Justice.

13 SEN. WHITMIRE: Okay. So you don't know.  
14 Is that your answer?

15 SEN. FRASER: I said we've got resource  
16 witnesses that are coming. I'm not an expert in that  
17 area. We do have an expert coming, and they'll be glad  
18 to answer your question.

19 SEN. WHITMIRE: The DPS folks will have to  
20 publicly say at Gessner and I-10 or at Tacoma and 290,  
21 two sites in my district -- and I complained and asked  
22 for more resources -- it's a two- to three-hour wait,  
23 Governor Dewhurst, to get your driver's license renewed.  
24 So you can't even go over there on your lunch hour and  
25 get a driver's license, and now you want the folks to go

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1 over there and, I assume, wait in line to get a voter  
2 ID.

3 Let me ask you another question about the  
4 education that you're going to provide. Is it going to  
5 be done in bilingual materials with a --

6 SEN. FRASER: I'm sure the Secretary of  
7 State will be glad to answer that question.

8 SEN. WHITMIRE: Well, you're the sponsor.

9 SEN. FRASER: And as the sponsor, I  
10 invited the Secretary of State as a resource witness, to  
11 make sure we have someone that knows the answer to that  
12 particular question.

13 SEN. WHITMIRE: One also is, your bill  
14 provides same-day registration. Now, according to you,  
15 you're going to have a fail-safe system that you'll know  
16 who is showing up to vote. Are you open to the idea  
17 that someone who has gotten motivated in the last 30  
18 days, maybe the days just leading up to the election,  
19 with this secure form of ID can show up on election day,  
20 prove who they are and ask to vote?

21 SEN. FRASER: The bill does not provide  
22 for same-day registration.

23 SEN. WHITMIRE: I'm sorry. What?

24 SEN. FRASER: The bill does not provide  
25 for same-day registration.

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1           SEN. WHITMIRE: Would you be amenable to  
2 us proposing it and --

3           SEN. FRASER: The bill does not provide,  
4 as I -- I filed the bill, and the bill does not provide  
5 for same-day registration.

6           SEN. WHITMIRE: Okay. Thank you for your  
7 answers.

8           CHAIRMAN DUNCAN: Senator Uresti.

9           SEN. URESTI: Thank you, Mr. Chairman.  
10 Would the gentleman yield for some  
11 questions?

12          SEN. FRASER: I would love to yield.

13          SEN. URESTI: Thank you, Senator Fraser.  
14 I want to ask you a few questions, kind of to follow on  
15 what Dean Whitmire asked you specifically regarding the  
16 DPS offices. And I don't know if they're here yet or  
17 not. But particularly about my district, you know how  
18 large it is. It goes from San Antonio all the way to  
19 El Paso, and it has 23 counties, as I'm sure you're  
20 aware, Senator Fraser.

21                 And one of the concerns that I have is  
22 that between here and El Paso -- and you may know this.  
23 If not, I would like to let you know and the other  
24 members know -- well, let me ask you this: Do you know  
25 how many of my 23 counties do not have a DPS office?

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1           SEN. FRASER: Senator, you know, the start  
2 of your description of this, I'm very familiar with the  
3 district, because I used to represent a lot of it. And  
4 that area between -- going out toward El Paso, I've had  
5 that when I was a state rep. It was in my state  
6 representative district. And then part of your other  
7 district was when I was a senator. So, yes, I'm very  
8 familiar with it.

9           The answer to your question that you're  
10 asking about driver's license location, we'll have  
11 somebody from DPS here, and I'm sure they'll be glad to  
12 answer that question for you.

13           SEN. URESTI: Well, in the meantime,  
14 Senator Fraser, let me let you and the members know.  
15 There are eight counties in my district out of the 23  
16 that do not have a DPS office. Loving County has no  
17 office, Crockett County, Hudspeth County, Jeff Davis  
18 County, Kinney County, Real County -- we had some good  
19 folks here yesterday representing Real County -- and  
20 Terrell County have their offices temporarily closed.  
21 And, Senator Fraser, do you know how many people live in  
22 those counties? There are 47,000 people that live in  
23 those counties in my district that don't have a DPS  
24 office.

25           SEN. FRASER: Do you know how many in

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1 those counties drive that have a license?

2 SEN. URESTI: No, I don't. Do you know,  
3 Senator?

4 SEN. FRASER: I don't, no. I have been  
5 out in those counties and I see people driving. I'm  
6 assuming they have a driver's license.

7 SEN. URESTI: Well, it makes it even more  
8 difficult if they don't have a driver's license and they  
9 need to get a driver's license or a photo ID to vote.  
10 How are they going to drive long distances in order to  
11 retrieve that -- or obtain that ID?

12 SEN. FRASER: Again, the data we've been  
13 shown is that people registered to vote -- and I guess I  
14 would like to look in your area -- but about 90 percent  
15 of the people that are coming in show their driver's  
16 license when they register to vote.

17 You know, yes, there's -- it looks like  
18 there's a lot of people or, you know, 47,000, but I'm  
19 assuming that the bulk of those, probably a lot of them  
20 have IDs.

21 SEN. URESTI: Well, that's an assumption,  
22 Senator Fraser, that you're making that I don't have the  
23 luxury of making on behalf of those 47,000 people. But  
24 in addition to that, Senator Fraser and members, there's  
25 another 70,000, another 70,000 constituents in my

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1 district that have access to only partial or sporadic  
2 service; for example, Senator Fraser, the first Tuesday  
3 of each month from 9:00 to 4:00. So they have one day a  
4 month, members, to go and get an ID, and that's between  
5 the hours of 9:00 to 4:00.

6 Well, if you can't get off of work that  
7 one month -- that one Tuesday and that's the only day  
8 it's open, what are my constituents supposed to do,  
9 Senator Fraser?

10 SEN. FRASER: I think that's probably a  
11 question you would want to ask the DPS. Or, if you  
12 would like, I will yield to Senator Williams.

13 SEN. URESTI: But this isn't their bill;  
14 this is your bill, Senator Fraser.

15 SEN. FRASER: And that's the reason I  
16 bring in, you know, knowledgeable witnesses, expert  
17 witnesses that can answer these questions. We have  
18 someone from DPS that will be here. Or Senator  
19 Williams, that's in the area of his committee.

20 SEN. URESTI: So they're going to answer  
21 my question as to what should my constituents do if they  
22 can't get off of work that one Tuesday of the month in  
23 order to get their ID to vote? That's what you're  
24 saying, they're going to answer that question?

25 SEN. FRASER: You'll just have to ask

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1 them.

2 SEN. URESTI: This is your bill, Senator  
3 Fraser. I'm asking you, because I need to go back to my  
4 district and tell them that they have to get a photo ID  
5 in order to vote. And their first question to me is  
6 going to be, "Well, Senator Uresti, you know that our  
7 DPS offices are closed," or "We have no DPS office in  
8 our county," or "It's only open on one Tuesday a month."  
9 What am I supposed to do, Sen. Uresti"?

10 SEN. FRASER: Again, the DPS will be here.  
11 You can outline the problem, and you can outline the  
12 problem with Senator Williams, and you're free to ask  
13 them those questions.

14 SEN. URESTI: Sen. Fraser, in addition to  
15 those counties that have no DPS offices, many of my  
16 constituents in several other counties are going to have  
17 to travel long distances in order to get an ID. For  
18 example, my constituents in Crockett County, Ozona, will  
19 have to travel 163 miles round trip to San Angelo to get  
20 to the nearest DPS office. And if you live in Sanderson  
21 in Terrell County, you will have to travel 170 miles  
22 round trip to get to Fort Stockton. If you live in  
23 Sierra Blanca in Hudspeth County, you have to travel  
24 176 miles to get to El Paso in order to get to the DPS  
25 office. Did you know that, Sen. Fraser?

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1                   SEN. FRASER: I'm very aware of that,  
2 that, you know, the district I represented, there were  
3 bus routes that were 80 to 90 miles each way for kids to  
4 attend public school, because the people lived out in  
5 the country.

6                   SEN. URESTI: And would you agree with me,  
7 then, that that's going to be a challenge for those  
8 folks?

9                   SEN. FRASER: We're not changing the early  
10 voting mail-in ballot rules, and that will still be an  
11 option for people.

12                  SEN. URESTI: So they don't need an ID to  
13 vote by mail?

14                  SEN. FRASER: By mail? Again, you can ask  
15 the Secretary of State. We're not addressing the  
16 mail-in ballots. The Secretary of State will be here.  
17 Someone from their office, you can ask that question.

18                  SEN. URESTI: Well, let me just mention a  
19 few more of my counties. If you live in Van Horn in  
20 Culberson County, you have to travel 200 miles round  
21 trip to Marfa, which is the nearest DPS office. If you  
22 live in Pecos, which is in Reeves County, you have to  
23 travel 143 miles to Fort Stockton. If you live in  
24 Rocksprings in Edwards County, it's 152 miles round trip  
25 to Del Rio, Sen. Fraser. And finally, if you live in

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1 Medina, which is in Hondo, if you live in Hondo, which  
2 is in Medina County, you have to travel 84 miles.

3 And so again my question; Sen. Fraser --  
4 if you can't answer it, just let me know -- what am I  
5 supposed to tell my constituents -- because this is your  
6 bill; it's not my bill -- how are they supposed to get  
7 their Texas ID if their DPS office is --

8 SEN. FRASER: Senator, if I were you, when  
9 the DPS comes up, I would ask them questions and say,  
10 "Is there a way that we could do something like a  
11 temporary van coming through to accommodate those  
12 people?" And if I were the senator from that area, that  
13 probably would be a question I would ask the DPS. But  
14 again, they're coming forward, and that's a question I  
15 think that is appropriate of the DPS of, you know, "How  
16 do we make sure that we accommodate those people?"

17 SEN. URESTI: Well, it's a great  
18 suggestion, Senator Fraser. But what if DPS says, "We  
19 can't do that. It's not in the budget, the \$2 million  
20 that we're being allocated"? So then what do I tell my  
21 constituents?

22 SEN. FRASER: Well, you're assuming the  
23 answer before you ask the question of the DPS.

24 SEN. URESTI: Well, you're assuming that  
25 they're going to say that they will be able to do it.

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1                   SEN. FRASER: No. I'm assuming that the  
2                   DPS is going to come up and you'll have the opportunity  
3                   to ask them.

4                   SEN. URESTI: Okay. So then let's assume  
5                   the DPS spokesperson says, "Great idea that Senator  
6                   Fraser has. We can do that," there's going to be a cost  
7                   associated with that. Isn't that correct? That's not  
8                   included in the fiscal note of \$2 million?

9                   SEN. FRASER: Again, I'm not advised, I  
10                  think the DPS could advise you on that, or  
11                  Sen. Williams.

12                  SEN. URESTI: Do we know when they're  
13                  going to be available to answer or --

14                  SEN. FRASER: I think they're on hand.  
15                  And as soon as we complete these questioning, I think  
16                  we'll going to bring -- you know, as soon as we start  
17                  the -- well, I think that the plan -- I'm not speaking  
18                  for the Chair, but I believe we're going to allow  
19                  questions from members, then we're going to have invited  
20                  guests. And then once we start the public testimony,  
21                  they would be ready to come up, and I think they'll  
22                  answer any questions you've got.

23                  SEN. URESTI: Senator Fraser, let me ask  
24                  you a few more questions, if I may, please. And I want  
25                  to be clear. So as I understand it, in order to vote

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1 with your bill, if your bill passes, you can have a  
2 voter registration card and a Texas ID or a driver's  
3 license, and you're able to vote with both of those  
4 documents. Correct?

5 SEN. FRASER: Actually, you don't -- if  
6 you go in and you're on the voter roll and you have a  
7 driver's license, they'll allow you to vote, because I  
8 know that's -- you know, I do that now.

9 SEN. URESTI: So you don't need your voter  
10 registration card, is my real question? If you have a  
11 valid Texas ID or a valid Texas driver's license, then  
12 you do not need --

13 SEN. FRASER: I think probably if you'll  
14 ask the Secretary of State. But my understanding is  
15 that you just have to identify yourself with a photo.  
16 And if you're on the voter roll and you're at the  
17 correct voting location, you live in that precinct and  
18 you're on that roll and you show them your ID, I believe  
19 you'll be allowed to vote.

20 SEN. URESTI: And that's my question, but  
21 I want to be specific about it. So if I have a valid  
22 photo ID or a valid Texas driver's license and I'm on  
23 the rolls, then I do not need a voter registration card.  
24 Correct?

25 SEN. FRASER: To my understanding, the

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1 answer is yes. But I still think I would ask that  
2 question of the Secretary of State.

3 SEN. URESTI: Well, I'm pretty sure that's  
4 correct. That's what I read. Then why do we need a  
5 voter registration card, then? Why are we going to need  
6 voter registration cards after your bill passes?

7 SEN. FRASER: Good question. Why don't  
8 you ask that of the Secretary of State. It might be  
9 a -- you could offer that as a cost-saving measure.

10 SEN. URESTI: But it's your bill, Senator  
11 Fraser. I mean --

12 SEN. FRASER: All my bill is addressing is  
13 the photo identification when you vote. You know,  
14 Carlos, when you walk in and they say, "Senator Uresti,  
15 you know, we'll need some identification," and even  
16 though you're on the roll, you're going to have to show  
17 a photo ID.

18 SEN. URESTI: And that's correct, and I  
19 agree with you, Senator Fraser. But the result will be,  
20 you do not need your voter registration card, then?

21 SEN. FRASER: That is my understanding.  
22 But, again, I would ask the Secretary of State.

23 SEN. URESTI: Okay. That's all the  
24 question I have for now, Mr. Chairman.

25 Thank you, Senator Fraser.

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1 CHAIRMAN DUNCAN: Thank you, Senator.  
2 Senator Gallegos.

3 SEN. GALLEGOS: Senator Fraser, the  
4 questions that you're being asked and are asking us to  
5 wait for resource witnesses, I'm concerned that we're  
6 not getting answers from the author of the bill. Now,  
7 Senator Huffman just showed us a box with testimony and  
8 questions and supposedly answers that were asked two  
9 years ago. And a lot of the questions that you're  
10 referring to that we get answers from resource witnesses  
11 weren't answered at that time.

12 I mean, we just want an assurance here  
13 that whatever was in that box that Senator Huffman had  
14 did not have all the questions answered. I heard what  
15 she told Senator Davis, but a lot of the questions that  
16 you're being asked today were the same questions that  
17 were asked two years ago and have never been answered.

18 SEN. FRASER: Senator, I stayed up very  
19 late last night reading the deposition of the questions  
20 that were asked, that you asked me last year, the  
21 answers. And I guess if you're concerned about that,  
22 maybe you should get that deposition and you read it and  
23 that way you can feel more comfortable about what was  
24 asked and what was answered. Have you read the  
25 deposition?

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1           SEN. GALLEGOS: There will be plenty of  
2 time for that. But I'm just asking you, as the author  
3 of the bill. You know, I mean, you are laying it out,  
4 and you're trying to explain it. And you're asking us  
5 to ask resource witnesses on questions, especially the  
6 questions that Senator Uresti had. And it concerns me  
7 that before we even, you know, lay it out and go forward  
8 with a bill, that the people that are here listening, at  
9 least they have the right to -- they leave, they have  
10 the right to know these questions, especially those  
11 questions that Senator Uresti just got through asking  
12 you. And it concerns me that we cannot get answers at  
13 the time that the bill is laid out, before we even go  
14 forward with the witnesses. And that just concerns me,  
15 that we're not getting answers.

16           SEN. FRASER: I think you can take a lot  
17 of comfort in the fact that we will not ask you to vote  
18 for the bill until we bring up an expert witness and you  
19 will be allowed to ask those question and get the answer  
20 you're looking for.

21           SEN. GALLEGOS: Well, I mean, we did that  
22 two years ago. And some of the questions that the box  
23 that Senator Huffman had still doesn't have answers in  
24 that box that she had that's going to be introduced as  
25 Exhibit No. 1.

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1                   SEN. FRASER: Have you read all the data  
2 that was in the box?

3                   SEN. GALLEGOS: I have not read it; I have  
4 not read it. But, you know, I would think that,  
5 especially some of the questions that I asked and I'm  
6 fixing to ask you, you know, that if those answers  
7 aren't in that box that Senator Huffman introduced as  
8 Exhibit No. 1. I just want to make a point that it  
9 concerns me that these questions these senators have  
10 about their districts are not being answered. I just  
11 wanted to make that point.

12                   And on another question, Senator, on the  
13 fiscal note -- and I know that Senator Watson brought it  
14 up -- it says that it's \$2 million to implement. Now,  
15 here is my concern on that, is that Texas is ranked  
16 No. 2 nationally in this country as far as population.  
17 Missouri is ranked 19th. Yet, the numbers that I'm  
18 looking at on the costs that the Secretary of the State  
19 of Missouri on implementing -- and Missouri only has  
20 5.9; we have 25 million -- Missouri has 5.9 in  
21 population, and the Secretary of the State of Missouri  
22 is going it's going to cost \$6 million just to implement  
23 their voter ID program, and that's just the first year.  
24 The second year, another \$4 million.

25                   Now, with only 5.9 in population, and I'm

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1 looking at Texas that has 25 million, now, what kind of  
2 methodology is the Secretary of State using in Missouri  
3 as opposed to the Secretary of State in Texas? To me,  
4 that math -- you know, I'm not an expert in math, but I  
5 can tell the difference between 5.9 and 25 million to  
6 implement a voter ID bill, you know, that obviously  
7 there's something wrong here in the numbers. Can you  
8 tell me the difference in 6 million for Missouri and  
9 2 million in implementing the cost of voter ID in Texas?

10 SEN. FRASER: I'm not a citizen of  
11 Missouri, so we don't have access to that information.  
12 And you and I have been in the Legislature a long time,  
13 and you're very aware that your fiscal note -- whenever  
14 you file a bill, you get a fiscal note with a bill, they  
15 look at the cost, and this is the cost that's been  
16 estimated.

17 SEN. GALLEGOS: You know, Senator, I'm  
18 concerned here that this number that has been laid out  
19 in this bill -- you know, and we do have -- and I don't  
20 know if the rules if we have the Ogden amendment on this  
21 bill where you're looking at one number and then all of  
22 a sudden, before we start implementing the bill, it's  
23 going to cost us \$30 million to implement the bill by  
24 the numbers -- if we use the formula being used by  
25 Missouri that has only 5.9 in population. Now, that

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1 really concerns me. \$30 million, Senator Watson could  
2 use that here and stop the closure of those Austin  
3 Independent School District schools that are being  
4 closed. They could use that \$30 million that I see as  
5 opposed to what I'm seeing as the formula in math that  
6 Missouri used.

7 Now, it concerns me that the fiscal note  
8 that's laid out in this bill is misleading, according to  
9 the other states that are using more money and less  
10 population to implement their voter ID bill. That  
11 concerns me, Senator. And, I mean, is there somebody  
12 that can answer that question for me, why it costs so  
13 little on a state that has 25 million in population as  
14 opposed to another state that has 5 million and it's  
15 triple the cost?

16 You know, I mean, that concerns me, and  
17 that should concern you, when you're given a number, and  
18 we're telling the people in the audience here, the  
19 taxpayers, it's only going to cost us \$2 million. And  
20 we have 25 million in population; Missouri only has  
21 5.9 million, and it's costing them \$6 million to  
22 implement voter ID. Now, you know, that really concerns  
23 me. And I don't want to mislead the public in any form  
24 or fashion that it's only going to cost us \$2 million to  
25 upstart voter ID when that is a misleading number. And

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1 that concerns me, Senator, and it should you. If this  
2 number is misleading, now who can answer that question  
3 for me?

4 SEN. FRASER: I think you're very aware of  
5 the fact that this number comes from LBB. I believe  
6 they probably called the Secretary of State and asked  
7 for that number. So if you have a concern about it,  
8 probably you should ask the LBB and/or the Secretary of  
9 State. I believe the Secretary of State is going to  
10 tell you there are HAVA funds that they're requesting  
11 that would possibly even eliminate that \$2 million.

12 SEN. GALLEGOS: Well, I mean, I heard you  
13 tell Senator Watson about the HAVA funds. I'm just  
14 saying on straight-up, straight-up implementation, that  
15 \$2 million as opposed to \$6 million in Missouri, you  
16 know, that's without HAVA funds, too. I'm saying that  
17 when you come down to it, if that number -- if, when the  
18 implementation starts, instead of \$2 million it's  
19 \$30 million, then, you know, I'm concerned.

20 I believe that the Ogden amendment should  
21 go on there and say, you know, if it's going to be over,  
22 over what you're showing on the fiscal note, that it  
23 shouldn't be implemented if it's going to cost that type  
24 of money. That's a lot of money; that's a lot of money  
25 to implement voter ID when you're just saying -- well,

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1 not you -- but the fiscal note on this bill is saying  
2 only two million bucks. Now, you know, that just  
3 concerns me, Senator. And I guess I'll ask that  
4 question when the proper resource witness comes up.

5           Senator Fraser, the other question I had  
6 was similar to Senator Uresti's question. Now, two  
7 years ago, I put maps up on one of my amendments where  
8 the City of Houston has no DPS offices within the 610  
9 loop. The City of Fort Worth, I believe -- let me see  
10 here. Let me look at my notes here.

11           The City of Fort Worth I think doesn't  
12 have any either inside -- what is that loop? 82,  
13 182? -- 81. And Dallas, Senator West, only has one --  
14 only has one inside the city, only has one DPS center  
15 inside the city. And it concerns me, if we're going to  
16 mandate Texans to get a photo ID and you have no place  
17 to send them to, especially inside the loop and  
18 especially those without transportation, and if they  
19 can't get to it on a bus route, to one of the DPS  
20 centers --

21           SEN. FRASER: Senator, if you have  
22 evidence that someone in your district has the inability  
23 to get a driver's license, I wish you would bring that  
24 forward.

25           SEN. GALLEGOS: I'm talking about your

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1 bill that mandates a photo ID. And if we're going to  
2 mandate Texans, then we should at least allow them the  
3 opportunity to have places where they can get it, where  
4 they don't have to travel 150 miles, like Senator Uresti  
5 just said. That's my concern, especially the elderly  
6 that don't have any and they're going to have to get a  
7 photo ID, that that person is going to have to travel  
8 150 miles, even from their house inside the loop, those  
9 people that don't have cars and they have to do public  
10 transportation.

11 Now, I'm looking at the map in the City of  
12 Houston, the bus route where it takes them three buses  
13 just to get close to a DPS center from anywhere inside  
14 the 610 loop. That really concerns me, Senator, on  
15 this, and hopefully that -- Senator Fraser?

16 SEN. FRASER: I'm with you.

17 SEN. GALLEGOS: Hopefully that you will  
18 look at it and maybe in some of our amendments will take  
19 that into consideration. I'm just telling you, you  
20 know, what's in Houston, not in Horseshoe Bay where you  
21 live. And, you know, that is really a problem that we  
22 have, especially those of us that represent minority  
23 communities like Senator Uresti and me and others on  
24 this floor.

25 There is another issue, Senator Fraser,

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1 that I wanted to ask you. On driver's license, you  
2 know, it says on a driver's license that's -- on a  
3 driver's license that's pulled from somebody for  
4 whatever reason, DPS gives you a temporary, and that  
5 temporary is good for about 40 days or in some cases  
6 when they've been stopped for a DWI or anything but  
7 still have not gone through the legal process, they are  
8 given a paper temporary license, and it says on that  
9 paper that this is used for identification purposes.

10 Now, I guess my question to you would be  
11 that if that is pulled -- and there's several thousands  
12 of drivers, of Texans, that are using this paper ID  
13 right now -- that if a driver's license is pulled for  
14 whatever reason, that that DPS certification, paper  
15 temporary license can be used as an ID to go vote.

16 SEN. FRASER: Senator, if you don't mind,  
17 I'm going to yield to Senator Williams on that question.  
18 If you don't mind, he'll answer that question for you.

19 SEN. WILLIAMS: Senator Gallegos, I had a  
20 similar question of what you have as I visited with the  
21 Department of Public Safety about this. And, in fact,  
22 it had been a while since I had renewed my license. And  
23 they now issue -- these temporary licenses actually have  
24 a photo on the license, and it would be valid under  
25 Sen. Fraser's bill as identification if you went to

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1 vote.

2 And, you know, in more detail, we could  
3 get the Department of Public Safety to give you some  
4 more detail on that. But now the temporary licenses  
5 actually have a photo on the paper license that you're  
6 referring to.

7 SEN. GALLEGOS: Well, Senator Williams,  
8 I'm showing that 98,000 drivers right now have temporary  
9 licenses without photo IDs.

10 SEN. WILLIAMS: Well, you know, I'm not  
11 advised about that. I think we ought to get the  
12 Department of Public Safety --

13 SEN. GALLEGOS: Well, I agree.

14 SEN. WILLIAMS: I'm told that these, you  
15 know, temporary licenses you used to get when you were  
16 in the process of renewing your licenses now have your  
17 ID on them, your photo.

18 SEN. GALLEGOS: Senator Williams, I  
19 understand what you just told me. But, you know, I've  
20 known some folks that have had their license pulled and  
21 have not gone through the process, and there is no photo  
22 ID. All they're given is the sheet of paper that I have  
23 right here that they're driving with, 98,184 that are  
24 driving with this paper right here, no photo ID.

25 And it says -- it says here -- well, I'm

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1 not going to read it to you. Just trust me; you can  
2 read it yourself. It says that this would be used for  
3 identification purposes.

4 SEN. WILLIAMS: Well, thank you, Senator  
5 Gallegos. And I'm glad that you raised this issue, and  
6 we ought to ask the Department of Public Safety to clear  
7 it up for us. Thank you.

8 SEN. GALLEGOS: That's why I brought it  
9 up, Senator Williams and Senator Fraser. That's being  
10 done on temporary suspended license, no photo ID. But  
11 on the face of this sheet that DPS has given out, it  
12 says that this is for identification purposes. I just  
13 wanted to point that out. I do have an amendment that I  
14 hope you will take, Senator, that alleviates almost  
15 100,000 that we know of right now.

16 SEN. FRASER: Have you turned that  
17 amendment in? If you get the amendments in so we get a  
18 chance to look at them --

19 SEN. GALLEGOS: Sure.

20 SEN. FRASER: -- I think there's a better  
21 chance for, you know, us to understand what you're  
22 trying to do. So if you have an amendment, I would ask  
23 you to turn it in.

24 SEN. GALLEGOS: Sure.

25 Thank you, Mr. Chairman.

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1 CHAIRMAN DUNCAN: Senator Davis.

2 SEN. DAVIS: Senator Fraser, will you  
3 yield for some questions, please?

4 SEN. FRASER: If you will allow me one  
5 second to get some better headsets on.

6 SEN. DAVIS: I was going to ask you if you  
7 could hear me.

8 (Laughter)

9 (Brief pause)

10 SEN. FRASER: I will now yield.

11 SEN. DAVIS: Can you hear me okay, Senator  
12 Fraser?

13 SEN. FRASER: Right now I am.

14 SEN. DAVIS: All right. A couple of  
15 questions for you. You've talked earlier this morning  
16 about both the Supreme Court opinion in the Indiana case  
17 and also the Justice Department review of Georgia. Are  
18 you aware that in each of those, there were particular  
19 instances that made the acceptance of those particular  
20 laws different than yours might be interpreted by those  
21 same bodies?

22 SEN. FRASER: If you don't mind, we've  
23 got, you know -- Senator Huffman, I think, is prepared  
24 to, you know, answer legal questions. If you've got a  
25 question about a -- do you have specific examples --

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1 SEN. DAVIS: Well, I would --

2 SEN. FRASER: -- that you would like to --  
3 and we also, I believe, are going to have someone from  
4 Indiana here this afternoon, and we're also going to  
5 have an invited -- an attorney that will address that.  
6 So if you have specific questions about that, that might  
7 be the appropriate place.

8 SEN. DAVIS: Well, I'll read to you from  
9 those in a moment. But let's start just by talking  
10 about what's required on the Texas voter registration  
11 application right now. Right now a person may put their  
12 driver's license number or their social security number  
13 on their registration application to become a voter in  
14 the State of Texas. Correct?

15 SEN. FRASER: You've got the data. And I  
16 think probably the best person to ask, and that's the  
17 Secretary of State.

18 SEN. DAVIS: Well, I have it right here.  
19 And there are some people who can't provide that  
20 information, and there's another opportunity for that  
21 person to attest to whom they are, to attest to the fact  
22 that they're a legal citizen and not a felon who would  
23 be prevented from voting. And I'm sure the Secretary of  
24 State probably has a number that shows to us -- and we  
25 will ask for this on the record today -- how many people

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1 fill out Section No. 9, the attestation clause, versus  
2 the people who are able to fill out Section 8, and  
3 what's the gulf between that. Are you aware what the  
4 gulf is between those two numbers?

5 SEN. FRASER: I believe I know the section  
6 you're talking about, but I actually would prefer you  
7 ask that of the Secretary of State's office.

8 SEN. DAVIS: Okay. But I'm asking you.  
9 Are you aware -- under your bill that you're proposing,  
10 are you aware of what the gulf is, the gap is between  
11 those two numbers, the people who are able to provide  
12 their driver's license or social security number versus  
13 those that fill out the attestation clause, because they  
14 don't have either?

15 SEN. FRASER: When you ask the Secretary  
16 of State that question, I will be listening very  
17 carefully to make sure that I hear what they say.

18 SEN. DAVIS: And would you agree that it's  
19 probably the case that if I fill out Section 9, the  
20 attestation clause, because I can't fill out Section 8  
21 with either a social security number or my driver's  
22 license number, that I will probably be impacted by a  
23 bill that's going to require what your bill requires in  
24 order for me to vote?

25 SEN. FRASER: Again, that would be a good

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1 second of the Secretary of State.

2 SEN. DAVIS: Well, I'm asking you as the  
3 bill's author. Are you concerned that there will be an  
4 impact to those people who currently cannot fill out  
5 Section 8 but can only fill out the attestation clause  
6 in Section 9?

7 SEN. FRASER: And again, you're making a  
8 reference to Section 8 that -- you know, I'm sorry. I  
9 don't -- I'm not -- I don't know what you're referring  
10 to. The Secretary of State is the expert in that area.  
11 And when you ask that question, I'll be listening and  
12 will, you know, listen to the response.

13 SEN. DAVIS: Earlier you talked about the  
14 Executive Director from the Carter-Baker Commission, and  
15 you cited a statistic, that only 1.2 percent of  
16 Americans would be affected by a requirement that a  
17 photo ID be required. Correct?

18 SEN. FRASER: I did make that reference,  
19 yes.

20 SEN. DAVIS: Are you aware that that was  
21 limited to a study of only three states, and Texas was  
22 not one of them?

23 SEN. FRASER: Yes, because at that time  
24 the Carter-Baker was looking at the states that had  
25 issued a photo ID.

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1 SEN. DAVIS: And would you agree that it  
2 may be the case that if I live in one of those three  
3 states and it's easier for me to get a driver's license  
4 in that state, then I may have a lower percentage of  
5 citizens who don't have a photo ID than another state  
6 might have where it's more difficult to get a driver's  
7 license?

8 SEN. FRASER: I'm not advised.

9 SEN. DAVIS: Are you aware that even in  
10 those states, in the 1.2 percentage number, there was a  
11 disparate impact that was found on elderly and women and  
12 African-Americans in terms of people who actually had  
13 the eligible photo ID that's counted in that percentage?

14 SEN. FRASER: I'm not advised.

15 SEN. DAVIS: Does it concern you at all  
16 that the bill that we are looking at today, the bill  
17 that you filed, might have a disparate impact on women,  
18 minorities and senior citizens, possibly disabled people  
19 in the State of Texas?

20 SEN. FRASER: The bill that we're filing  
21 today I believe will be approved by the U.S. Supreme  
22 Court, and also the bill in Georgia was precleared by  
23 the Justice Department. So I believe our bill will  
24 comply with both of those.

25 SEN. DAVIS: Okay. Well, I'm going to

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1 read to you from the Supreme Court opinion, the U.S.  
2 Supreme Court opinion when it was reviewing the Indiana  
3 law.

4           They acknowledged that there is evidence  
5 in the record, in fact, of which we may take judicial  
6 notice that indicates that a somewhat heavier burden may  
7 be placed on a limited number of persons by virtue of  
8 the photo ID requirement. They include elderly persons  
9 born out of state, persons who, because of economic or  
10 other personal limitations, may find it difficult either  
11 to secure a copy of their birth certificate or to  
12 assemble the other required documentation to obtain a  
13 state-issued ID, homeless persons and persons with a  
14 religious objection to being photographed.

15           "If we assume, as the evidence suggests,  
16 that some members of these classes were registered  
17 voters when the Indiana law was enacted, the new  
18 identification requirement may have imposed a special  
19 burden on their right to vote. The severity of that  
20 burden is, of course, mitigated by the fact that if  
21 eligible voters without photo ID may cast provisional  
22 ballots, that will ultimately be counted."

23           Are you aware that in the State of  
24 Indiana, I can cast a provisional ballot, and the  
25 Supreme Court made its decision in terms of whether the

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1 burden was constitutionally acceptable, based on the  
2 fact in Indiana, I can cast a provisional ballot, and if  
3 I attest to the fact that I'm unable to pay for the cost  
4 of getting the underlying documents to receive a photo  
5 ID, that I do not, in voting my provisional ballot, have  
6 to show a photo ID?

7 SEN. FRASER: Senator, my observation is  
8 that what you've read from the Supreme Court opinion is  
9 a portion of it, but it's a snippet. And it also  
10 continues to say that these do not present an undue  
11 burden for the person to vote.

12 SEN. DAVIS: That's correct. They said  
13 they did not believe that it created a constitutionally  
14 prohibited burden, based on the fact that voters in the  
15 State of Indiana have the opportunity to vote a  
16 provisional ballot even if they don't have a photo ID,  
17 if they can show that they were unable to get one,  
18 either because of their circumstances as an elderly  
19 person or because they're indigent. Does your bill  
20 provide a special exception for people under those  
21 circumstances to vote a provisional ballot?

22 SEN. FRASER: The bill that I'm moving  
23 forward I believe will be approved by the U.S. Supreme  
24 Court and will be precleared by the Department of  
25 Justice.

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1                   SEN. DAVIS: Okay. Let's look at the  
2 things that are required in your bill in terms of a  
3 photo ID. And I appreciate what you said earlier. I  
4 think it's true. I think if you ask anybody on the  
5 street that you might walk up to at this moment in time  
6 whether they think it's a good idea for someone to show  
7 a photo ID in order to vote, they would probably agree.  
8 What they might not understand in agreeing with that,  
9 though, are what the requirements are going to be in the  
10 State of Texas in order for them to comply with that  
11 particular requirement, and they also might not  
12 appreciate the challenge and the difficulty that some  
13 people may have in supplying that.

14                   SEN. FRASER: Senator, this is not rocket  
15 science. The people of your district understand very  
16 clearly that when they walk into that voting booth, they  
17 have to show a photo ID proving they are who they say  
18 they are. The people in Fort Worth, that area, I have  
19 the polling data -- I believe the number is about --  
20 around 90 percent. And of that, that's Republicans and  
21 Democrats. So I believe the people that elected you,  
22 sent you down here, have said, "We believe that when you  
23 go in to vote, you should show identification to prove  
24 you are who you say you are." It's a very, very simple  
25 concept.

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1 SEN. DAVIS: Are you aware that in the  
2 Indiana law and also in the Georgia law, people are  
3 allowed to come and vote with a state-issued student ID  
4 if they're attending a state university?

5 SEN. FRASER: I'm not advised.

6 SEN. DAVIS: And your bill does not allow  
7 that kind of a photo ID to be used. Is that correct?

8 SEN. FRASER: We have four forms of ID  
9 that we have laid out as acceptable. Those are all  
10 recognized acceptable forms of identification that we  
11 have recommended.

12 SEN. DAVIS: And it does not include that,  
13 for the record. Are you also aware that in the Indiana  
14 law and in the Georgia law, the ID can be expired and  
15 still be utilized, but under the requirements in your  
16 bill, that cannot occur?

17 SEN. FRASER: You know, I think our belief  
18 is that someone should have a valid ID that has not  
19 expired. "Expired" implies it is not valid, and we in  
20 Texas believe you should have a valid ID.

21 SEN. DAVIS: What will I do if my driver's  
22 license expires the day before I go to vote and I'm not  
23 aware of it until I show up at the polling place?

24 SEN. FRASER: And I would ask you, what  
25 would happen if you were driving to the polling place

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1 with an invalid driver's license? What would happen?

2 SEN. DAVIS: I would get a ticket, but I  
3 wouldn't be denied my constitutional right to vote as a  
4 legal citizen of the United States.

5 SEN. FRASER: You would not be denied your  
6 right to vote. Under this law and under this bill, as  
7 you know, if you walk in with an invalid driver's  
8 license, you would be allowed to vote. It would be a  
9 provision vote, and you would be allowed six days to go  
10 back to the place that issues driver's license, get a  
11 valid license and come back, and your vote would be  
12 counted.

13 SEN. DAVIS: Well, we had a conversation  
14 about that earlier in terms of how difficult and  
15 challenging -- for some people it actually is -- to be  
16 able to comply with that requirement. But let me ask  
17 you for a moment, if I bring in a state-issued Texas  
18 driver's license and it expired 30 days ago or 60 days  
19 ago or a year ago, how does that fail to prove that I'm  
20 the person on the card, simply because it has expired?

21 SEN. FRASER: Well, I would ask you the  
22 same question. If your driver's license expired 30 days  
23 ago, is it acceptable to the patrolman that just stopped  
24 you? It's expired.

25 SEN. DAVIS: I'm asking you the question.

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1 The reason that we are advocating or you are advocating  
2 for photo ID is so that the person who is receiving my  
3 ballot can verify that I am the person casting it.

4 Correct?

5 SEN. FRASER: Yes.

6 SEN. DAVIS: And if my driver's license is  
7 expired but it's a state-issued driver's license and it  
8 has my name and it has my picture on it and my name  
9 matches what's on the registrar's -- the precinct rolls,  
10 how does that fail to prove that I'm who I am?

11 SEN. FRASER: I think we go back to the  
12 word "valid," do you have a valid Texas driver's  
13 license?

14 SEN. DAVIS: How does it fail to prove  
15 that I am who I am?

16 SEN. FRASER: You don't have a valid Texas  
17 driver's license.

18 SEN. DAVIS: And as I said earlier, in  
19 Georgia and in Indiana, under the laws that were deemed  
20 acceptable by the Supreme Court and the courts in  
21 Georgia received preclearance by the Department of  
22 Justice, each of those allows some acceptance of expired  
23 IDs.

24 I want to talk a little bit about how  
25 difficult it is, because I really think every one of us

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1 in this room needs to appreciate the burden that people  
2 have when they're being asked to supply some of the  
3 documentation that's required in your bill. And I've  
4 put together a little chart that I just want to go over  
5 very quickly. I won't belabor the point.

6 Can you bring it closer over here, Dan, so  
7 I can actually point at it?

8 Thank you.

9 Now, each of us, whether we're in the  
10 Senate or the House of Representatives in the State of  
11 Texas, we each bring unique backgrounds and perspectives  
12 to the table. And because of our unique backgrounds and  
13 perspectives, we're able to represent people in ways  
14 that hopefully contribute to a better understanding for  
15 each of us in terms of how we can best serve them.

16 Senator Fraser, I came from a fairly  
17 challenged background before I arrived on the floor of  
18 the Texas Senate. I had the opportunity to receive an  
19 incredible education that ultimately allowed me the  
20 privilege of standing here and having a conversation  
21 with you today. But there was a time when I was  
22 indigent, there was a time when I was a single mother  
23 and I was working a full-time job during the day in  
24 Dallas, from which I had to leave my house at 6 o'clock  
25 in the morning every morning to arrive at, and I worked

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1 a part-time job four nights a week waiting tables.

2 If I had been required during that point  
3 in time to show some of the ID requirements that are  
4 being proposed under your bill, I have to admit to you  
5 that I would have been quite challenged in being able to  
6 accomplish it. I had gotten divorced, so my name was  
7 different on my state ID than was on the registration  
8 rolls. And so because of that, I would have had to go  
9 through the process of trying to get a new state ID.  
10 And, honestly, with my schedule, it would have been  
11 fairly impossible for me to achieve it.

12 I think it's pretty easy for us to stand  
13 on the Senate floor where we are today and the shoes  
14 we're in today and say, "Why should that be a problem?"  
15 But for people who have to take time off of work and for  
16 whom that's an unaffordable idea, it can be a very, very  
17 real problem.

18 The other issue, in trying to receive a  
19 state ID in the State of Texas is, it's almost a  
20 circular process. In order to get the state ID, you  
21 have to have underlying ID that provide you with the  
22 opportunity to get that ID. And I know we're talking  
23 right now in the State of Texas about giving free ID to  
24 people who come in to the Department of Motor Vehicles  
25 and ask for that ID, based on the fact that they want to

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1 vote.

2 But if I can't provide underlying  
3 documentation, I'm going to have to go get that  
4 underlying documentation, and it's going to cost me  
5 money, and I'm concerned about that person. I'm  
6 concerned that if I need a birth certificate in the  
7 State of Texas, it's going to cost me \$23. I'm also  
8 concerned that I might have a really hard time getting  
9 that birth certificate. And if you look to see what you  
10 can show in order to get it, you see the circularity of  
11 the problem. You can show a driver's license or you can  
12 show a state ID. Well, the reason I need the birth  
13 certificate is so I can get my driver's license or my  
14 state ID.

15 In order for me to get a birth  
16 certificate, I can show a social security card as one of  
17 my underlying two documents that are required. But in  
18 order to have a social security card, I've got to have a  
19 driver's license or a state ID, so it puts me right back  
20 at my original problem. To get my driver's license or  
21 my state ID, I might be able to use a passport. But in  
22 order to use my passport, I'm going to have to have a  
23 birth certificate, but I couldn't get my birth  
24 certificate because I didn't have a driver's license or  
25 a state ID to get my birth certificate.

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1                   You see the problem? It's not just the  
2 problem of the time one has to take off of work in order  
3 to comply with this requirement, it's not just a problem  
4 of how much money it costs. Sometimes it can be a  
5 problem of almost a near impossibility for a person to  
6 be able to provide the underlying documentation in order  
7 for them to go and vote.

8                   And my concern about that is, we will  
9 disparately impact persons who find greater challenges  
10 in fulfilling the underlying documentation requirements;  
11 and, yet, we haven't provided anywhere in the bill, as  
12 was done in Indiana, a provisional opportunity for  
13 someone to come and cast a ballot and say that they were  
14 unable to comply with the requirements for a photo ID.  
15 Why is that?

16                  SEN. FRASER: Senator, I appreciate the  
17 story you just gave. And I would advise you of the  
18 other 31 members here. There's a lot of people that can  
19 tell like stories. When I was 16 and working on a  
20 potato picker in California or when I was 17 working  
21 picking cucumbers in Rising Star or when I was 18,  
22 picking cotton in West Texas, I figured out a way to  
23 have time after work to go get a driver's license,  
24 because I really wanted one. I worked that into the  
25 schedule, as I think a lot of people do.

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